

REMARKS

This is responsive to the Office Action mailed October 6, 2005, in which the Examiner rejected claims 1-24 under 35 U.S.C. §103(a) as being obvious over Rodgers (5,422,628) in view of Horowitz (5,053,622). In response, applicant has cancelled claims 1-4, 7-11, 13-18 and 20-24, amended claims 5, 6, 12 and 19, and, added new claims 25-30. Reconsideration of the Examiner's rejection is respectfully requested.

Applicant's Invention

This invention is directed to an article of footwear, and an apparatus for use with other articles of clothing, in which a module is mounted to the footwear or clothing. In the presently preferred embodiment, the module includes a plastic housing which mounts a battery, a lighting integrated circuit connected by wires to a number of LEDs and a sound integrated circuit connected to one or more loudspeakers. An inertia switch, such as a spring switch, is connected between the battery and the lighting integrated circuit. It turns on and off in response to the application of motion or an inertial force to the article of footwear or other article of clothing e.g. by walking, running or other motion. Operation of the spring switch activates the lighting integrated circuit which is effective to cause the LEDs to illuminate, preferably in a flashing or other lighting sequence, for a predetermined period of time.

A second switch, preferably a reed switch, is mounted to the module or within a separate casing in the shoe or other article of clothing. The reed switch is formed with cooperating contacts which are movable relative to one another under the influence of a magnetic field from a separated or open position to a closed position where they engage one another. In order to move the contacts of the reed switch to the closed position, a magnetic field is applied in proximity to

the reed switch by a permanent magnet located externally of the shoe or other article of clothing. Preferably, the permanent magnet is housed within a wand or other toy. Closure of the reed switch causes a circuit connection to be made wherein at least one of the sound integrated circuit and the light integrated circuit is activated, thus causing one or both of the LEDs and the loudspeaker to operate at the same time. The spring switch and reed switch operate completely independently of one another.

Rejection of Claims 1-24

Independent claim 12 directed to an article of footwear has been amended to recite both a first switch coupled to the lighting integrated circuit and the sound integrated circuit, and an inertia switch coupled to the lighting integrated circuit. A magnet, located externally of the article of footwear, is movable into sufficient proximity of the first switch so that the magnetic field of the magnet causes it to open or close. When closed, the first switch causes at least one of the lighting integrated circuit and the sound integrated circuits to operate. Completely independently of the first switch, the inertia switch is operative to cause the lighting integrated circuit to illuminate at least one LED in response to the application of inertia or motion. New claim 27 is directed to an apparatus for use with an article of clothing which includes similar language pertaining to the first switch and inertia switch as amended claim 12 noted above.

Rodgers discloses an electrical circuit which may be employed in footwear or other items. The circuit includes a reed switch activated by a magnet mounted in close proximity to the reed switch on the item itself. The magnet is moved toward the reed switch in order to turn it "on" in response to the application of inertia or motion to the item. A spring normally biases the magnet in a position spaced from the reed switch, allowing it to return to a neutral or "off" condition. There is no teaching or suggestion in Rodgers of the combination of an inertia switch coupled to a light

integrated circuit which is operative in response to the application of inertia or motion to cause at least one LED to illuminate, and a reed switch coupled to both the light integrated circuit and a sound integrated circuit which is operative independently of the inertia switch in response to the presence of an externally applied magnetic field to cause at least one of the light integrated circuit and sound integrated circuit to operate.

The defect of Rodgers is not cured by Horowitz. That Horowitz reference discloses an electronic Menorah having a number of LEDs each associated with a sensor connected to a microprocessor. When an external stimulus such as a magnetic field is brought into proximity with one of the sensors, a signal is sent to the microprocessor which, in turn, causes the associated LED to illuminate. No inertially actuated switch is taught in Horowitz.

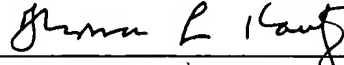
While the Examiner suggests it would be obvious to replace the magnetically operated inertia switch taught in Rodgers with a switch such as shown in Horowitz, to obtain the present intention, that combination would result in a circuit wherein one (or more) of the switches in Rodgers are turned "on" solely in response to the application of an external magnetic field. Claims 12 and 27 call for both an inertia switch activated by inertia or motion, and a second switch activated by a magnetic field. Further, the inertial switch causes at least one LED to illuminate, whereas the second (reed) switch causes least one of the light integrated circuit and sound integrated circuit to be activated. The use of two different types of switches in this invention, which are responsive to different stimulus (one mounted to the item and the other located externally of the item) and which may activate different signaling devices, is not disclosed or suggested in the cited references. All claims pending in this application are therefore considered to be allowable.

In view of the amendments to the claims and the argument given above, applicant considers this case to be in a condition for allowance and respectfully request early notification of same.

Respectfully submitted,

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